

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the matter of	)	
	)	
Amendment of Parts 1, 21, 73, 74 and 101 of the	)	WT Docket No. 03-66
Commission's Rules to Facilitate the Provision of	)	RM-10586
Fixed and Mobile Broadband Access, Educational	)	
and Other Advanced Services in the 2150-2162	)	
and 2500-2690 MHz Bands	)	
	)	
Part 1 of the Commission's Rules - Further	)	WT Docket No. 03-67
Competitive Bidding Procedures	)	
	)	
Amendment of Parts 21 and 74 to Enable	)	MM Docket No. 97-217
Multipoint Distribution Service and the	)	
Instructional Television Fixed Service	)	
Amendment of Parts 21 and 74 to Engage in Fixed	)	
Two-Way Transmissions	)	
	)	
Amendment of Parts 21 and 74	)	WT Docket No. 02-68
of the Commission's Rules With Regard to	)	RM-9718
Licensing in the Multipoint	)	
Distribution Service and in the	)	
Instructional Television Fixed Service for the	)	
Gulf of Mexico	)	

**ORDER**

**Adopted: January 25, 2005**

**Released: January 25, 2005**

By the Chief, Broadband Division, Wireless Telecommunications Bureau:

**I. INTRODUCTION**

1. On January 24, 2005, the Wireless Communications Association International, Inc. (WCA) filed a Motion For Leave to Exceed Page Limits in Section 1.429(f)<sup>1</sup> and 1.429(g)<sup>2</sup> of the Commission's Rules.<sup>3</sup> For the reasons discussed below, we grant WCA's request.

**II. BACKGROUND**

2. On July 29, 2004, the Commission released the *Report and Order and Further Notice of Proposed Rulemaking (R&O and FNPRM)*<sup>4</sup> in which the Commission adopted a new band plan for the

<sup>1</sup> 47 CFR § 1.429(f).

<sup>2</sup> 47 CFR § 1.429(g).

<sup>3</sup> Wireless Communications Association International, Inc. Motion For Leave to Exceed Page Limits (filed Jan. 24, 2005) (Motion).

<sup>4</sup> Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, (continued....)

2500-2690 MHz band, designated the 2495-2500 MHz band for use in connection with the 2500-2690 MHz band, established a plan to transition licensees to the restructured 2500-2690 MHz band, adopted licensing, service, and technical rules to govern licensees in the Broadband Radio Service (BRS)<sup>5</sup> and Educational Broadband Service (EBS),<sup>6</sup> permitted spectrum leasing for BRS and EBS licensees under the Commission's secondary markets leasing policies and procedures, and permitted unlicensed operation in the 2655-2690 MHz band. The *R&O and FNPRM* was published in the Federal Register on December 10, 2004<sup>7</sup> and petitions for reconsideration were due on January 10, 2005.<sup>8</sup>

3. On December 30, 2004, WCA filed a Motion For Leave to Exceed Page Limit in Section 1.429(d)<sup>9</sup> of the Commission's Rules.<sup>10</sup> On January 5, 2005, the Broadband Division of the Wireless Telecommunications Bureau (Division) granted WCA's request stating that the complexity of the issues presented in the *R&O* may require greater discussion than the typical Commission order.<sup>11</sup> Specifically, the Division stated that a page limit of 50 pages was appropriate for petitions for reconsideration in this proceeding.<sup>12</sup>

### III. DISCUSSION

4. Section 1.429(f) of the Commission's Rules prohibits oppositions to petitions for reconsideration from exceeding 25 double-spaced typewritten pages, while Section 1.429(g) of the Commission's Rules prohibits replies to oppositions to petitions for reconsideration from exceeding ten pages. In light of the number of petitions for reconsideration filed in this proceeding, WCA requests that it be permitted to file a consolidated opposition to all of the petitions for reconsideration and/or a consolidated reply to all oppositions filed during the reconsideration phase of this proceeding.<sup>13</sup> WCA has demonstrated good reasons to extend the page limits in the current proceeding. Specifically, WCA notes that 21 petitions for reconsideration have been timely filed in this proceeding.<sup>14</sup> WCA further notes that permitting all interested parties to file consolidated oppositions and replies would permit the parties to address the complex legal and technical issues raised and would reduce the quantity of paperwork filed with the Commission.<sup>15</sup>

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*Report and Order and Further Notice of Proposed Rulemaking*, WT Docket No. 03-66, 19 FCC Rcd 14165 (2003) (*R&O and FNPRM*).

<sup>5</sup> BRS was formerly the Multipoint Distribution Service (MDS) and Multichannel Multipoint Distribution Service (MMDS).

<sup>6</sup> EBS was formerly the Instructional Television Fixed Service (ITFS).

<sup>7</sup> 69 Fed. Reg. 72020 (Dec. 10, 2004).

<sup>8</sup> See 47 CFR § 1.429(d).

<sup>9</sup> 47 CFR § 1.429(d).

<sup>10</sup> Wireless Communications Association International, Inc. Motion For Leave to Exceed Page Limit (filed Dec. 30, 2004).

<sup>11</sup> Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, *Order*, DA 05-14 at ¶ 4 (BD/WTB rel. Jan. 5, 2005).

<sup>12</sup> *Id.*

<sup>13</sup> Motion at 1-2.

<sup>14</sup> *Id.* at 2.

<sup>15</sup> *Id.* at 2-3.

5. We agree that permitting interested parties to exceed the page limit and file consolidated oppositions and replies instead of individual oppositions and replies would not only reduce the amount of paper filed, but would also assist Commission staff in analyzing the issues. We find that the complexity of the issues presented in the *R&O* and the number of petitions filed in this proceeding may require greater discussion than the typical Commission order. We believe that a page limit of 50 pages is appropriate for oppositions to petitions for reconsideration and a page limit of 20 pages is appropriate for replies in this proceeding.

#### IV. CONCLUSION AND ORDER CLAUSES

6. We grant WCA's motion and extend the page limits applicable to oppositions to petitions for reconsideration of the Commission's *R&O* to 50 pages. We further grant WCA's motion and extend the page limits applicable to replies to oppositions to petitions for reconsideration of the Commission's *R&O* to 20 pages. These extensions apply to all parties filing oppositions and replies.

7. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. § § 154(i) and 303(r), and Sections 1.3 and 1.429 of the Commission's Rules, 47 CFR § § 1.3 and 1.429, that the Motion to Extend Page Limits filed by the Wireless Communications Association International, Inc. on January 24, 2005 is GRANTED and the limit applicable to all parties filing oppositions to petitions for reconsideration and replies to oppositions to petitions for reconsideration of the Commission's *Report and Order* IS HEREBY EXTENDED to 50 and 20 pages, respectively.

8. These actions are taken under designated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. § § 0.131 and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Joel Taubenblatt  
Chief, Broadband Division  
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